

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

I. Status of the Claims

Claims 1-3 and 5-10 were pending in the application.

Claims 2, 5, 6 and 8 have been cancelled

Claims 1, 7, 9 and 10 are amended. No new matter is added.

II. Rejections Under 35 U.S.C. § 102

Claims 1-3, 5, 7 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,307,622 to Walter.

Walter describes a rack steering mechanism with a housing end 1 encompassing an end of a cylinder 2. The cylinder 2 includes an annular corrugation 14 which abuts a clamping ring 18 held in place by a locking nut 16 that is threaded to the housing end 1. The locking nut 16 has rotational engagement with the ring 18, but not with any part of the cylinder 2. See Walter, column 2, lines 9-27.

Independent claims 1 and 7 have now been amended to recite “a bracket formed as a single molded piece” with a recess. Support for this amendment may be found in the Specification at, for example, paragraph [0031]. It is respectfully submitted that Walter does not disclose a bracket formed as a single molded piece having a recess. In contrast, Walter describes a housing end 1 that holds an annular corrugation 14 of a cylinder 2 therein using a locking nut 16 threaded into the housing end 1 that abuts a clamping ring 18. The locking nut 16 has rotational engagement with the ring 18, but not with any part of the cylinder 2. See Walter, column 2, lines 9-27. Thus, Walter not only includes several different elements holding the annular corrugation 14 in place, the different elements are in moving relation to one another. Accordingly, the housing end 1 of Walter could not be formed as a single molded piece.

Independent claims 1 and 7 have also now been amended to recite “the recess being a circular groove,” and a tube part with “a plurality of escape preventing protrusions bent into said

recess.” Support for this amendment may be found in the Specification, for example at paragraph [0023]. The use of a plurality of escape preventing protrusions bent into the recess allows the amount of engagement between the tube part and bracket to be adjusted based on the number of escape preventing protrusions bent into the recess. It is respectfully submitted that Walter does not disclose a plurality of escape preventing protrusions bent into a circular groove. In contrast, Walter describes a cylinder with a single annular corrugation 14 that abuts a clamping ring disposed in a housing end.

Because Walter fails to disclose a tube part including a plurality of escape preventing protrusions bent into a circular groove of a bracket formed as a single molded piece, as recited in amended claims 1 and 7, it cannot anticipate claims 1 and 7 or their respective dependent claims 3, and 9 and 10.

Reconsideration and withdrawal of the rejection of claims 1-3, 5, 7 and 10 under 35 U.S.C. § 102(b) as being anticipated by Walter is respectfully requested.

Claims 1-3, 5 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,908,479 to MacDuff.

MacDuff describes a rack and pinion steering gear including a steel tube 16 form a power cylinder held in a housing 12 with an annular deformation securing the tube in the housing. See MacDuff, column 2, line 65 to column 3, line 2 and Fig. 1.

Independent claims 1 and 7 have each been amended to recite a bracket including a recess, “the recess being a circular groove,” and a tube part with “a plurality of escape preventing protrusions bent into said recess.” It is respectfully submitted that MacDuff does not disclose a tube part with a plurality of escape preventing protrusions bent into a recess that is a circular groove, as recited in claims 1 and 7. In contrast, MacDuff merely appears to show a power cylinder held in a housing 12 by an annular deformation.

Because MacDuff fails to disclose a bracket with a recess and a tube part with a plurality of escape preventing protrusions bent into the recess, as recited in claims 1 and 7, it cannot anticipate claims 1 or 7, or their respective dependent claims 3, and 9 and 10.

Reconsideration and withdrawal of the rejection of claims 1-3, 5 and 7-10 under 35 U.S.C. § 102(b) as being anticipated by MacDuff is respectfully requested.

III. Rejections Under 35 U.S.C. § 103

Claims 1, 3 and 6-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,176,343 to Vincent et al. ("Vincent") in view of U.S. Patent No. 779,896 to Wood.

Vincent describes a vehicle steering apparatus that includes a power cylinder 16 held in an interference fit with a mounting structure 18. Wood describes a pipe A and pipe flange B that includes recesses b, therein. The flange B is placed over the pipe A and sections of the pipe are hammered into respective recesses b of the flange B.

Independent claims 1 and 7 have each been amended to recite a bracket including a recess, "the recess being a circular groove," and a tube part with "a plurality of escape preventing protrusions bent into said recess." It is respectfully submitted that this feature would not have been obvious in view of a combination of Vincent and Wood. The Office Action acknowledges that Vincent fails to disclose a recess or a tube with one or more escape preventing protrusions bent into the recess. See Detailed Action, page 11, lines 3-6. With respect to Wood, that reference describes separate recesses b, each of which have a section of pipe hammered therein. Wood specifically states that the walls of each recess sufficiently enclose the recess to prevent longitudinal or rotative movement of the pipe within the flange. See Wood, page 1, lines 50-54. Wood does not describe a plurality of escape preventing protrusions bent into one recess, that is a circular groove. Thus, any combination of Vincent and Wood, to the extent proper would not include a plurality of escape preventing protrusions bent into a recess that is a circular groove, as recited in claims 1 and 7. Therefore, a combination of Vincent and Wood could not render claims 1 and 7 obvious.

Because the features of claims 1 and 7 would not have been obvious in view of a combination of Vincent and Wood, it is respectfully that claims 1 and 7 cannot be rejected under 35 U.S.C. § 103(a) in view of any combination of Vincent and Wood.

Reconsideration and withdrawal of the rejection of claims 1, 3 and 6-10 under 35 U.S.C. § 103(a) as being unpatentable over Vincent in view of Wood is respectfully requested.

CONCLUSION

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

It is believed that all appropriate fees are included with these submissions. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

Dated: November 13, 2009

Respectfully submitted,

By Col. Wright
Colin Wright

Registration No.: 62,900
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant